IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO. 3577 OF 2006**

The State of Maharashtra & Ors. ..Applicants
V/s
Tulsisingh Shravankumar Rajput ..Respondent.

Mr. Y.S.Shinde, APP for the State.

**CORAM : J.H. BHATIA, J.**

**DATE : 5TH FEBRUARY, 2007.**

P.C.

. Learned Special Judge granted bail on two grounds for the offence under MCOC Act. Firstly, that the investigation was carried out by one Rathod, who is PSI, while as per law investigation has to be carried out by Officer not below the rank of Dy. Superintendent of Police. Second ground was that out of 15 cases in which respondent was accused, seven cases had ended in acquittal and seven were pending. Only one case under section 160 of I.P.C. had ended in conviction. This order is challenged in the present application. According to the prosecution, said investigating officer Rathod is a Dy.S.P and not a P.S.I. It is surprisingly, that when according to the prosecution, said Rathod

holds a rank of Dy. Superintendent of Police and the learned Special Judge has wrongly mentioned that he is a P.S.I., prosecution did not feel it necessary to produce any document about his rank or posting as Dy.S.P. nor the prosecution felt it necessary to produce the list of the cases which are pending against the accused. Application stands rejected.

**(J.H. BHATIA, J.)**